

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

HIRSA CARABALLO-RODRIGUEZ, et al.

Plaintiffs

v.

Civil No. 03-1646(SEC)

R.J. REYNOLDS TOBACCO CO., et al.

Defendants

O R D E R

MOTION	RULING
Docket # 50 Motion for Voluntary Dismissal	DENIED. Plaintiffs have filed a motion requesting voluntary dismissal of the instant action without prejudice (Docket # 50). Defendants have opposed said request (Docket # 55). Defendants aver that Plaintiffs make the foregoing request in bad faith and in an obvious attempt to shop for a more favorable forum (state court), and that in any event, the dismissal of the instant case without prejudice would be futile since they would seek removal to federal court once the case was filed in state court. We agree and add that at this juncture, considering the stage of the instant litigation, the extensive discovery so far conducted and the filing of Defendants' Motion for Summary Judgment, dismissal without prejudice would be extremely costly and prejudicial to Defendants. Thus, Plaintiffs' motion for voluntary dismissal without prejudice is DENIED .

DATE: October 19, 2005

S/ *Salvador E. Casellas*
SALVADOR E. CASELLAS
U.S. Senior District Judge